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Agenda item 62
Question of Cyprus

Security Council
Fifty-seventh year

Letter dated 17 April 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to draw your attention to new massive violations of the flight information region (FIR) of Nicosia and the national airspace of the Republic of Cyprus by military aircraft of the Turkish air force, recorded from 3 to 5 April 2002.

On 3 April 2002, eight (8) F-16 and two (2) RF-4 Turkish military aircraft entered the Nicosia FIR, violating international air traffic regulations and the national airspace of the Republic of Cyprus, as follows:

(a) Four (4) F-16 military aircraft, flying in two formations, one coming from a western direction and the other from the FIR of Ankara, entered the Nicosia FIR and, flying within its limits, violated international air traffic regulations before exiting in a western direction towards the FIR of Ankara;

(b) Four (4) F-16 military aircraft, flying in two formations, entered the Nicosia FIR, violating international air traffic regulations and, flying over the area of Paphos, violated the national airspace of the Republic of Cyprus before exiting towards the FIR of Ankara;

(c) Two (2) RF-4 military aircraft, flying in one formation, entered the Nicosia FIR from a north-western direction and, flying between the areas of Mesaoria and Cape Kormakitis, violated the national airspace of the Republic of Cyprus, before exiting towards the FIR of Ankara.

On 4 April 2002, two (2) F-16 military aircraft, coming from the FIR of Ankara and flying in one formation, entered the Nicosia FIR, violating air traffic regulations, before exiting in a western direction.

On 5 April 2002, two (2) F-16 military aircraft, flying in one formation, violated the national airspace of the Republic of Cyprus, flying over the area of Paphos, before exiting in a western direction.

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On behalf of the Government of the Republic of Cyprus, I strongly protest the above actions, which violate international law as well as the Security Council resolutions on Cyprus. I would like to draw your attention to the fact that the above-mentioned flights of the Turkish military air force took place over and close to military installations of the National Guard of the Republic of Cyprus and to underscore that, owing to the high sensitivity of these military installations, such illegal actions pose a great danger to the security of the island, and I call for their immediate cessation.

I would also like to note that these violations are occurring at the time of the ongoing direct talks in Cyprus, at the invitation of the Secretary-General, in the exercise of his mission of good offices entrusted to him by the Security Council in its resolution 1250 (1999). Let us not forget that the Security Council, in its recent statement of 4 April 2002, following an interim report by Alvaro de Soto, Special Adviser to the Secretary-General on Cyprus, expressed concern for the slow progress of the negotiations and urged that all issues should be resolved as part of a comprehensive settlement, which takes full consideration of relevant United Nations resolutions and treaties. It is hoped that the Government of Turkey will show restraint and will cease the violation of the airspace of the Republic of Cyprus and contribute to the efforts to find a just and viable solution to the Cyprus problem on the basis of United Nations resolutions.

I shall be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 62, and of the Security Council.

(*Signed*) George **Kasoulides**
Chargé d'affaires a.i.

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Question of Cyprus

Security Council
Fifty-seventh year

Letter dated 17 April 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions of my Government, I would like to draw your attention to a letter addressed to you on 13 March 2002 by the Permanent Representative of Turkey, transmitting a letter from the purported "Representative of the Turkish Republic of Northern Cyprus" to which was annexed a letter of 6 March 2002 from the purported "President of the Turkish Republic of Northern Cyprus", Mr. Denktash. Those letters were circulated as a document of the General Assembly and the Security Council (see A/56/874-S/2002/73).

Mr. Denktash's letter of 6 March 2002 makes various incorrect assertions about "unilateral changes of the provisions for search and rescue (SAR) services within the Nicosia flight information region (FIR)". He claims that these alleged changes ignore International Civil Aviation Organization (ICAO) rules and provisions; that they are contrary to the provisions of the 1960 treaties on Cyprus; that there is no Republic of Cyprus or Government of Cyprus competent to represent the whole island or to extend services, but merely "an administration solely composed of Greeks" and a State, the "Turkish Republic of Northern Cyprus"; and that, moreover, "unilateral handing over" or SAR services contradicts "the political equality of the two sides" and prevailing practical realities and is a negative contribution to what he describes as "ongoing efforts" in a "new process" to establish a "new partnership on the basis of equality".

So far as concerns Mr. Denktash's reiteration of his well-known views as to the "Turkish Republic of Northern Cyprus" (hereinafter "TRNC") and the Republic of Cyprus, it suffices to refer to Security Council resolutions 541 (1983) and 550 (1984), which declared the "TRNC" illegal and invalid and called upon all States to respect the sovereignty, territorial integrity and unity of the Republic of Cyprus. No State apart from the occupying Power, the Republic of Turkey, recognizes the purported "TRNC". Both resolutions call for such non-recognition and have since been reiterated.

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It should be added in respect of Mr. Denktash's assertions about the "TRNC" having authority and providing SAR and other aeronautical services, that ICAO resolutions of 1974, 1975 and 1977 also reaffirm the sovereign responsibility of the Republic of Cyprus. Regrettably, Turkey's subordinate local administration, the "TRNC", through instructions from its services, from time to time endangers air traffic by attempting to interfere in the supervision of air traffic in the Nicosia FIR, whereas this is the exclusive responsibility of the Republic of Cyprus.

So far as concerns there allegedly being a "new process", the current direct talks are being conducted in terms of the Secretary-General's mission of good offices, as stipulated in Security Council resolution 367 (1975) of 12 March 1975 and as further defined by subsequent resolutions, notably resolution 1250 (1999).

The contentions about unilateral changes to the provisions for search and rescue services and breach of the 1960 treaties are equally incorrect. There has been no change to the international responsibilities. Since Cyprus's independence in 1960 and her accession to the Convention on International Civil Aviation, the Republic of Cyprus has been the State authority responsible for search and rescue measures under article 25 of the Convention. Section 9 of annex B to the 1960 Treaty of Establishment merely provided that, subject to their own services for the Sovereign Base Areas having the capacity, the authorities of the United Kingdom of Great Britain and Northern Ireland would make available "search and rescue facilities" for all civil aircraft within the Nicosia FIR. Such services remain available. Further services have been made available by the Government of the Republic of Cyprus as from 1 March 2002. As from that date, the Government's Larnaca Rescue Coordination Centre became the Centre having principal responsibility for SAR operations. The Government of Cyprus, as required under both ICAO and International Maritime Organization procedures, then provided updated information to those bodies (in accordance with their procedures), as to, inter alia, the national authorities responsible, the location of the Rescue Coordination Centres and the search and rescue units.

Cyprus's view as to the scope of the United Kingdom's treaty obligations is shared by the United Kingdom Government. That the treaty commitment relates merely to provision of assistance in search and rescue operations in the Nicosia FIR was stated on 27 March 2002 in the House of Lords by the responsible Secretary of State (see annex).

The United Kingdom added that SAR, being a humanitarian matter, should not affect the ongoing settlement negotiations. Mr. Denktash's letter asserted that the recent humanitarian arrangements "will not contribute positively to the ongoing efforts" for a settlement. If Mr. Denktash genuinely wishes to contribute to a positive outcome of negotiations on the Cyprus problem, he should refrain from making invalid and unjustified complaints and cease the current barrage of correspondence and pamphlets and the extensive propaganda campaign which he and the Republic of Turkey are mounting in all international forums to secure recognition of the "TRNC" and of two States in Cyprus, an outcome in gross breach of article II of the 1960 Treaty of Guarantee.

I should be grateful if my letter in response is likewise circulated as a document of the General Assembly, under agenda item 62, and of the Security Council.

(*Signed*) George **Kasoulides**
Chargé d'affaires a.i.

Annex to the letter dated 17 April 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Cyprus to the United Nations addressed to the Secretary-General

Lords Hansard text for 27 March 2002

Nicosia Flight Information Region: Search and Rescue Responsibility

Lord Kilclooney asked Her Majesty's Government:

> How long the United Kingdom had responsibility for search and rescue services within the Nicosia Flight Information Region: whether responsibility was confirmed in the 1960 Treaties: when it was decided to transfer this responsibility to the Greek Cypriot Government: what has been the reaction of the Turkish Cypriot administration; and whether this decision will facilitate the present talks between Greek and Turkish Cypriot leaders. [HL3230]

Lord Bach: The United Kingdom has provided search and rescue services in the Nicosia FIR since 1960. Our only treaty obligation in this regard is set out in Annex B, Part V. Section 9 of the 1960 Treaty of Establishment, which says that:

> "In so far as the services established for their own use make this possible, the United Kingdom authorities shall make available search and rescue facilities for all civil aircraft within the flight information region administrated from Nicosia."

In recent years the Republic of Cyprus has established its own Rescue Co-ordination Centre (RCC) at Larnaca and introduced capable search and rescue helicopters. They are now much less reliant on UK assistance and we understand that within the last year they have notified relevant aviation and maritime organisations that RCC Larnaca is the lead search and rescue centre for the Nicosia FIR. The UK continues to meet its treaty commitment by making available the Wessex helicopters of 84 Squadron RAF and the RCC Episkopi to assist as required in search and rescue operations in the Nicosia FIR.

SAR is a humanitarian matter. As such it should have no read-across to the ongoing settlement negotiations.

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The situation in the Middle East

Security Council
Fifty-seventh year

Letter dated 19 April 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General

On instructions from Mr. Mahmud Hammud, the Lebanese Minister for Foreign Affairs and Emigrés, I should like to state the following:

Lebanon, in its capacity as Chairman of the Arab Summit, expresses its extreme indignation at and condemnation of the savage practices and outrages perpetrated by Israeli forces during their occupation of Palestinian towns, villages and camps, and their use of weapons of various kinds against peaceful civilians, which brought about the deaths of hundreds of women, older persons and children, particularly in the Jenin refugee camp. Such practices are in violation of all international covenants and norms as well as international humanitarian law, the Fourth Geneva Convention of 1949 and the Universal Declaration of Human Rights.

Lebanon, in this same capacity, calls upon the Secretary-General of the United Nations to take urgent steps to establish a committee to investigate these violations and outrages committed by Israeli forces. It attaches considerable importance to receiving a favourable response from the United Nations and the Secretary-General to this request.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under agenda item 42, and of the Security Council.

(*Signed*) Houssam **Diab**
Chargé d'affaires a.i.

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